

DAVID BURCHARD  
CHAPTER 13 TRUSTEE  
P.O. BOX 8059  
FOSTER CITY, CA 94404  
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**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

In re:  
RAMONA LOPEZ  
259 ALVARADO STREET  
BRISBANE, CA 94005  
  
###-##-0763  
Debtor(s).

Case No.: 10-3-1051 SFM13  
Chapter 13

OBJECTION TO CONFIRMATION, WITH A  
MOTION TO DISMISS, OF THE CHAPTER 13  
PLAN, BY DAVID BURCHARD, CHAPTER 13  
TRUSTEE AND NOTICE

**341 MEETING OF CREDITORS:**

Date: 04/29/2010  
Time: 9:00 AM  
Place: Office of the United States Trustee  
235 Pine Street, Suite 850  
San Francisco, California

**CONFIRMATION HEARING:**

Date: 06/09/2010  
Time: 1:30 PM  
Place: United States Bankruptcy Court  
235 Pine Street 22nd Floor  
San Francisco, California

DAVID BURCHARD, Chapter 13 Trustee in the above-entitled action, hereby objects to Confirmation of the Chapter 13 Plan proposed hereunder by Debtor(s) for the following reason(s).

1. The Trustee is in receipt of Debtor's Chapter 13 Plan, which was filed after the Notice of Bankruptcy was filed, and therefore, was not served on all creditors as notice of this bankruptcy filing had already been served. The Trustee requests Debtor serve a copy of this plan to all creditors and file a certificate of service evidencing said service.
2. Debtor has failed to use the model Plan for the San Francisco Division, effective January 1, 2009. The Trustee requests Debtor file an amended plan. In Addition, Trustee requests a copy of the proof of service, which verifies all creditors were served with a copy of said amended plan.
3. Schedule J indicates Debtor's monthly expenses are \$3,302.00, while her net income is \$2,291.00, a net loss of \$1,011.00 per month. Trustee questions the feasibility of Debtor's being able to make the plan payments under these circumstances. 11 U.S.C. §1325(a)(6) provides that a plan cannot be confirmed if Debtor will be unable to make plan payments.
4. Question 2 of the Statement of Financial Affairs calls for income information year-to-date as well as for the two years immediately preceding the filing of the petition. Debtor has answered "none" to said question, while Schedule I lists social security and pension income. Trustee requests an amended response to question 2, which provides this information.

5. Schedule J lists an auto installment payment of \$247.00 per month. The Trustee must be the disbursing agent on all pre-petition obligations with the exception of ongoing mortgage payments and leased vehicle payments. Additionally, this debt has been omitted from the schedules of debts and the plan. Trustee requests an amended Schedule D, amended Schedule J and an amended plan.
6. There appears to be a discrepancy between the Statement of Attorney Pursuant to Bankruptcy Rule 2016(b), which indicates Debtor paid her attorney \$1,500.00 prior to the filing of the petition and question 9 of the Statement of Financial Affairs, which has been answered "none." Trustee requests the appropriate documents are amended in order that they are accurate and consistent.
7. It appears all creditors have not been listed on the Creditor Matrix. Trustee requests an amended Creditor Matrix.
8. Statement of Financial Affairs, question 4a lists two lawsuits with a status of pending. Trustee requests copies of the complaints.
9. Schedule A fails to reflect the nature of Debtors interest in the real property located at 259 Alvarado street, Brisbane, California. Trustee requests an amended Schedule A.
10. Trustee's copy of Debtor's petition does not contain an Application for Approval of Attorney Fees or the Rights and Responsibilities. Trustee requests a copy of these documents as filed with the court.
11. Trustee requests Debtor provide the appropriate declaration that details Debtors income for the six months prior to the filing of the bankruptcy.
12. Trustee requests a signed copy of Debtor's 2009 Federal income Tax Return to be received no later than four business days prior to the date of the first scheduled Meeting of Creditors.

PLEASE TAKE NOTICE that, without prior notice, at the above-referenced confirmation hearing date assigned to your Chapter 13 case, the Court may DISMISS the above-referenced case upon making a determination that Debtor(s) has/have not presented a feasible Plan, Debtor(s) has/have not made the required payments under the Plan, Debtor(s) has/have violated the statutory debt limitations set for a Chapter 13 case, Debtor(s) has/have not filed this proceeding in good faith, Debtor(s) has/have not provided documents and/or Schedules and Plan as required under the Bankruptcy code, and/or Debtor(s) has/have not provided the Trustee with Payment Advices or Declarations, as required by the written Order Re: Payment Advices in Chapter 13 Cases, dated September 26, 2006.

Dated: April 15, 2010

DAVID BURCHARD

DAVID BURCHARD, Chapter 13 Trustee

## Certificate of Mailing

I, TINA MITCHELL, the undersigned, certify that:

I am over the age of 18 years and not a party to this action. I am employed by the Trustee whose business address is 393 Vintage Park Drive, Suite #150, Foster City, CA. On the date set forth below, I served a copy of the Objection to Confirmation, with a Motion to Dismiss, of the Chapter 13 Plan, by David Burchard, Chapter 13 Trustee and Notice, and this Certificate of Mailing, on the persons listed below by following our ordinary business practice for service, which is either deposited in the ordinary course of business with the U.S. Postal Service by first class mail or served by electronic transmission from the Court, if applicable. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

RAMONA LOPEZ  
259 ALVARADO STREET  
BRISBANE, CA 94005

GEORGE HOLLAND JR.  
LAW OFFICE OF GEORGE HOLLAND JR  
1970 BROADWAY ST #1030  
OAKLAND, CA 94612

United States Trustee  
235 Pine Street, Suite 700  
San Francisco, CA 94104

Dated: April 15, 2010

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TINA MITCHELL

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TINA MITCHELL